

# THE LAW OFFICES OF KENNETH ARTHUR RIGBY, PLLC

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December 12, 2014

United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Room 1217 (Chambers)  
Brooklyn, New York 11201

Attention: Hon. Steven M. Gold  
Chief Magistrate Judge

Re: Patrick Gill v. Christoph S. Bahlmann and Perini Corporation (United States District Court, Eastern District of New York; Case Number 13-CV-04477-JG-SMG)  
Our File Number: PZ-0015

Dear Chief Magistrate Judge Gold:

This law office represents the defendants, Christoph S. Bahlmann and Perini Corporation, in the above-referenced matter. We are seeking to convert the Settlement Conference that is scheduled for December 18, 2014, into a Status Conference in that any attempt at settlement now is premature and may well be counter-productive in that there is remaining discovery to be conducted, including, but obviously by no means limited to, a disputed issue relative to plaintiff's expert disclosures. In that regard, we are writing to request an extension of time for the parties to conduct both fact discovery and expert disclosure. This is a third request for an extension of time. A first request for an extension of time was made by a letter application dated March 10, 2014; and a second request for an extension of time was made by a letter application dated September 8, 2014. The plaintiff's counsel consents to this request for an extension of time for the parties to conduct both fact discovery and expert disclosure and, also, agrees with the revised scheduling order that is proposed at Page 2 of this letter application.

The last set discovery schedule provided for:

1. Deposition of the plaintiff to be completed on or before October 10, 2014.
2. Plaintiff to serve expert disclosures on or before September 26, 2014.
3. Deposition of defendant Bahlmann to be held on or before October 24, 2014.
4. Defendants to conduct IME's and to serve expert disclosures on or before December 8, 2014.

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5. Non-party depositions to be noticed or otherwise set for, and unless a motion to compel is required also to be conducted on, dates not later than December 11, 2014.
6. Settlement Conference to be held on December 18, 2014.

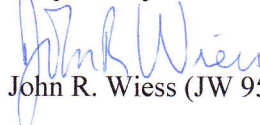
The deposition of the plaintiff has been completed, but additional time is needed to conduct other fact discovery and expert disclosure, including the deposition of defendant Bahlmann, IME's of the plaintiff, expert disclosures, and non-party depositions that may be warranted after party depositions are completed.

In light of the foregoing, we, on behalf of the defendants and with the consent of the plaintiff's counsel, are requesting that your Honor further extend the time for the parties to conduct both fact discovery and expert disclosure; to convert the Settlement Conference that currently is scheduled for December 18th into a Status Conference to address discovery issues in this matter, including issues that the defendants have with regard to the plaintiff's expert witness disclosures; and to push back the date for a Settlement Conference. As required by your Honor's Individual Practices, we propose the following revised scheduling order, which is agreed-to by all parties:

1. Deposition of defendant Bahlmann to be held on or before Friday, January 16, 2015.
2. Defendants to conduct IME's and to serve expert disclosures on or before Friday, February 20, 2015.
3. Non-party depositions to be noticed or otherwise set for, and unless a motion to compel is required also to be conducted on, dates not later than Friday, February 20, 2015.
4. Status Conference to be held on Thursday, December 18, 2014.
5. Settlement Conference to be held on Thursday, February 26, 2015.

Thank you for your consideration of this application.

Respectfully submitted,

  
John R. Wiess (JW 9563)

JRW/jrw

cc: David L. Scher, Esq.  
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